

Application No.: 10/535,681
371(c) Date: May 19, 2005

REMARKS

Pursuant to the telephone conference between Examiner Chau and Applicants' representative Kerry Taylor, Applicants address the obviousness-type double patenting rejection below.

The present Supplemental Amendment is responsive to a request by Examiner Chau. Accordingly, 37 CFR §1.704(c)(8) does not apply to the present Supplemental Amendment, and no penalty due to Applicant delay should be accorded to the present Supplemental Amendment.

Rejection of Claims 1, 2, 7, 9 and 10 under Obviousness-Type Double Patenting

Claims 1, 2, 7, 9 and 10 are rejected under obviousness-type double patenting in view of U.S. Pat. No. 6,773,121.

In a telephone conference between Examiner Chau and Applicants' representative Kerry Taylor, Examiner Chau requested the filing of a Terminal Disclaimer to remove this rejection.

Responsive to the request by Examiner Chau, Applicants enclose herewith a Terminal Disclaimer in compliance with 37 C.F.R. §1.321(c), disclaiming any term beyond the expiration date of the full statutory term of U.S. Pat. No. 6,773,121, and agreeing that any patent so granted on the above-captioned application shall be enforceable only for and during such period that the owner of the legal title to said patent shall be the same as that of the legal title to U.S. Pat. No. 6,773,121. In view of submission of this Terminal Disclaimer, Applicant respectfully requests removal of the rejection of the claims under obviousness-type double patenting.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not

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reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

CONCLUSION

In view of the above, Applicants respectfully maintain that claims are patentable and request that they be passed to issue. Applicants invite the Examiner to call the undersigned if any remaining issues might be resolved by telephone.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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